

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 8-11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Roha et al. (CAPLUS AN 1961:79,666, 1961) or actual article Roha, M.; Kreider, L. C.; Frederick, M. R.; Beears, W. L. CS B. F. Goodrich Research Center, Brecksville, OH Journal of Polymer Science (1959), 38, 51-61.

Roha discloses polymerization of ethylene using Ti tetrachloride in the presence of alkyl aluminum compounds. Note the abstract and first two pages of the article.

Cossee, (Stereoregularity in heterogeneous Ziegler-Natta catalysis, Koninklijke/Shell Lab., Amsterdam, Transactions of the Faraday Society (1962), 58, 1226-32), Cossee discloses a process in which alpha olefins are polymerized in the presence of titanium chlorides and aluminum alkyl (first paragraph of the article) and also discloses that polymer chains interchange with halide on titanium chlorides. Note the two paragraphs beneath "Fig. 5" on page 1231 in this regard. As titanium tetrachloride has four chlorides it would reasonably appear that at least a small amount

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of titanium with three or four bound polyethylene chains would form in the process of Rhoha.

.When the reference discloses all the limitations of a claim except a property or function, and the Examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention, basis exists for shifting the burden of proof to applicant. Note In re Fitzgerald et al. 619 F. 2d 67, 70, 205 USPQ 594, 596, (CCPA 1980). See MPEP § 2112-2112.02.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The previous rejection was withdrawn based on applicants amendment.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis
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JCM

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